

REMARKS

Claims 1-8 and 10-45 are pending. Applicants propose amendment of claim 1. Entry of the amendment after final rejection is earnestly solicited.

Claims 1-8, 10-32, 39 and 40 were rejected under 35 USC §103(a) as being unpatentable over Altieri. Applicants request favorable reconsideration.

The Examiner argues that a suitable intrinsic viscosity is either inherently disclosed in Altieri or an obvious optimization. However, the expanded products of Altieri have a poor relatively open cell structure and are brittle and easily crushable (see Example 1 and Table 1 of Altieri) if a starch is used containing less than 45% amylose as corn starch (25-28% amylose), waxy maize corn (0.1% amylose) and potato starch (23% amylose).

In contrast thereto, the products according to the present invention have a closed cell structure, good properties and flexibility, particularly in the hinge region of a product, due to the fine and homogeneous structure of the cells, and a very good uniform surface (see page 18, second full paragraph from the bottom) independently of the amylose content of starch. It is indicated that potato, wheat, maize and tapioca starch, i.e., starch with amylose content less than 45%, are preferred. This means that the low amylose starches that Altieri cannot successfully use cannot have the intrinsic viscosity range set forth in the presently pending claims. In Altieri, only using high amylose starch is it possible to obtain foamed products with the uniform closed cell structure and good resilience and compressibility properties, which indicates that in Altieri the high amylose

content of starch remedies the deficiencies derived from the use of starch with intrinsic viscosity in the foamed products not within the critical range of the claimed foamed products. Accordingly, one of ordinary skill in the art would not have arrived at the claimed invention based on the teachings of Altieri which teach away from the claimed invention.

Applicants propose amendment of claim 1 to further clarify the closed cell morphology of the present invention as supported by page 16, third full paragraph of the present specification.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by Applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone Applicants' undersigned attorney.

In the event that this paper is not timely filed, applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

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